

condominium on the site and the Planning Commission recommends approval of the zoning change. Alderman Shabazz asked if the new building will face 17 or will there be some type of interior positioning. Mr. Lotson stated this last building faces interior to the development and is somewhat at the end of the parking lot. Upon a motion by Alderman Bell, seconded by Alderman Osborne and unanimously carried.

Colleen Smith, Owner/Applicant (13-003286-ZA), requesting Special Uses to allow a specialty restaurant; a banquet hall; general office space; an art studio/gallery (Education); and, eight residential duplexes at 5715 Skidaway Road, with conditions. MPC recommends approval. The proposed Special Uses meet all of the criteria set forth in the Zoning Ordinance for approval. However, the proposed Special Uses are not consistent with the Tricentennial Comprehensive Plan Future Land Use Map. Because of this, the approval of the Special Uses should be conditioned upon the approval of a change to the Future Land Use Map from Civic/Institutional to Commercial Neighborhood. (See Item 11.) Recommend approval of the MPC recommendation.

Marcus Lotson with MPC stated Items 10 and 11 are components of a two-part petition. Item 10 is a special use request for 5715 Skidaway Road and Item 11 is a request to amend the future land use designation of that property upon approval of Item 10. In 1933, the building was developed as a retirement home for men. In 1978 the property was rezoned to the current zoning classification and the present owner is requesting a zoning change for special uses. This property has been vacant on and off over the years and the Planning Commission believes the proposed special uses can be made appropriate at this location with their recommended conditions.

Alderman Hall stated he is happy that Ms. Smith is breathing new life into the old structure as it will add something special to the Skidaway Road corridor. The neighborhood association is firmly behind the change and he is 100 percent for it as well. Alderman Osborne stated after reviewing the requested uses for the property, she believes they are all compatible. Alderman Sprague asked for clarification on the 35 students. Mr. Lotson stated one of the proposed uses is an art gallery and art students will use it. Alderman Sprague then asked if the art gallery would be renting the duplexes. Mr. Lotson responded not necessarily as it will be open to the public in terms of renting.

Colleen Smith introduced herself and stated the art gallery is actually a community gallery for citizens of Savannah. They will also have a website where the public can register for various types of art classes at the gallery. Ms. Smith then introduced Brian Torres, former co-owner of Eos and current owner of Form Savannah who will work with Ms. Smith on the project. He will manage the alcohol approval process and open the business. Alderman Sprague asked if this will also be open to the public and Mr. Torres responded yes. Alderman Thomas asked when they anticipated this would get underway. Ms. Smith stated they plan to get started immediately and invited Council to stop by for a tour of the property. Upon a motion by Alderman Sprague, seconded by Alderman Hall and unanimously carried.

Metropolitan Planning Commission (13-003286-ZA), recommending to change the future land use category of the property identified as 5715 Skidaway Road (PIN 2-0141-05-005) from Civic/Institutional to Commercial-Neighborhood. Recommend approval. Upon a motion by Alderman Hall, seconded by Alderman Shabazz and unanimously carried.

Metropolitan Planning Commission (13-002493-ZA), recommending to amend Article A, Sec. 8-3002 Definitions; and Article B, Sec. 8-3025(a) C & R Districts Use Schedule; Sec. 8-3025(b) B & I Use Schedule; Sec. 8-3028(d) Victorian District Permitted Uses; Sec. 8-3039(b)(1) Cultural Facilities; Sec. 8-3040(b)(1) Cultural Facilities; and Sec. 8-3047(c)(1)b. Cultural Facilities. The purpose of the proposed text amendment is to ensure consistency in the manner in which public and private schools are allowed by combining those school types into one use and defining the use. Consistency in terminology and defining the use as proposed will also prevent commercial schools from locating in single-family residential zoning districts. Recommend approval.

Marcus Lotson with MPC stated this is a text amendment to provide a definition for public and private schools which is missing from the ordinance. In the past, there has been a loophole for private schools (i.e. massage therapy or tennis school) to obtain Zoning Board of Appeals approval to be established within residential neighborhoods. This text amendment would close that loophole, establish a definition for public or private schools, remove public schools from the definition of the use "public use" and to add that definition where appropriate within the zoning ordinance. Alderman Sprague asked how schools like massage therapy are defined. Mr. Lotson stated that commercial and vocational schools are already separate uses within the zoning ordinance so they would fall under those categories and be allowed in commercial zoning districts. She asked for clarification on the use of Victorian in the description and Mr. Lotson stated that is the language used in the zoning section of the ordinance. Alderman Shabazz asked if charter schools would be allowed in this district. Mr. Lotson stated that K-12 charter schools would be allowed as private schools in the same zoning district as typical public schools. Upon a motion by Alderman Sprague, seconded by Alderman Shabazz and unanimously carried.

PETITIONS

Lisa Watson of Plan It Green Design, LLC, representing Janice Brodhead and Kristin Russell of Brighter Day (Tenant/Business Owners) and Savannah American Legion Post 135 (Property Owner) – Petition 120679, requesting that the City allow encroachment within the Park Avenue right-of-way for the installation of landscaping elements within the treelawn to include new brick paving, a raised planter and new plantings/trees. The subject property is specifically located at 13 E. Park Avenue, across from the south end of Forsyth Park, between Bull and Drayton Streets. The improvements will add to the existing landscape elements and are meant to improve the safety and pedestrian access as well as beautify the landscape.

This request has been reviewed by Public Works and Water Resources, Sanitation, Development Services, and Park and Tree with no objections offered, however approval is subject to the property owner assuming all responsibility for injuries or damages to third parties as a result of the encroachments. The City will be held harmless for maintenance and liability of the proposed

Ordinance read for the first time in Council September 5, 2013, then by unanimous consent of Council read a second time September 5, 2013, placed upon its passage, adopted and approved upon a motion by Alderman Thomas, seconded by Alderman Sprague and unanimously carried.

Special Uses at 5715 Skidaway Road (13-003286-ZA). An ordinance to allow a specialty restaurant, a banquet hall, general office space, an art studio/gallery (Education), and eight residential duplexes as special uses at 5715 Skidaway Road.

AN ORDINANCE
To Be Entitled

AN ORDINANCE TO ESTABLISH SPECIAL USES-
SPECIALTY RESTAURANT, BANQUET HALL, GENERAL
OFFICE SPACE, ART STUDIO/GALLERY (EDUCATION)
AND EIGHT RESIDENTIAL DUPLEXES-IN A PUD-IS
ZONING DISTRICT; TO REPEAL ALL ORDINANCES IN
CONFLICT HEREWITH AND FOR OTHER PURPOSES:

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah in a regular meeting of Council assembled and pursuant to lawful authority thereof:

SECTION 1: That pursuant to and subject to the conditions of Section 8-3033 of the Zoning Ordinance, Special Uses-Specialty Restaurant, Banquet Hall, General Office Space, Art Studio/Gallery (Education) and Eight Residential Duplexes, are hereby established within the following described PUD-IS zoning district:

LEGAL DESCRIPTION

Beginning at a point[X: 993700.051495 Y: 734238.175271]located at the approximate intersections of the centerlines of Bacon Park Drive & Skidaway Road, said point being THE POINT OF BEGINNING

Thence proceeding in a Southwesterly direction along the centerline of Skidaway Road for an approximate distance of 614.146 ft. to a point, a point located at the approximate intersections of the centerlines of Bona Bella Avenue & Skidaway Road [X: 993479.388948 Y: 733665.040578]

Thence proceeding in a Northwesterly direction along the centerline of Bona Bella Avenue for an approximate distance of 430.473 ft. to a point [X: 993049.556693 Y: 733688.516087]

thence proceeding in a N 21-35-41 E direction along a line for an approximate distance of 714.837 ft. to a point[X: 993312.645574 Y: 734353.179059], a point located on the approximate centerline of Bacon Park Drive,

thence proceeding in a Southeasterly direction along the centerline of Bacon Park Drive for an approximate distance of 404.115 ft. to a point [X: 993700.051495 Y: 734238.175271], a point located at the approximate intersections of the centerlines of Bona Bella Avenue & Skidaway Road and with said point being, THE POINT OF BEGINNING

The property is further identified by the Property Identification Number as follows:

P.I.N.: 2-0141-05-005

SECTION 2: The special uses are approved upon recommendation of the Metropolitan Planning Commission and after a public hearing and findings in accordance with Section 8-3163(b) of the Zoning Ordinance subject to the following conditions:

1. The restaurant shall be limited to a maximum seating capacity of 100 seats and shall be limited to hours of operation from 11:00 a.m. to 11:00 p.m. Beer and wine may be served at the restaurant only as part of a full service meal.
2. The banquet hall shall be restricted to the same conditions as the restaurant with the exception that the maximum seating capacity shall be not more than 15 seats.
3. The art studio/gallery shall be limited to a maximum of 35 students with a maximum of 2 instructors. The art studio/gallery shall be restricted to hours of operation between 11:00 a.m. to 11:00 p.m. Beer and wine only may be served at art shows.
4. The general office space shall be limited to a maximum gross area of 1,375 square feet.
5. There shall be not more than 8 residential duplexes with a total of 16 residential units.
6. All activities associated with the art studio/gallery, restaurant, and banquet hall shall be limited to inside only with no outside events to include music.
7. Compliance with the off-street parking requirement as determined by the City Zoning Administrator.
8. No additional outside lighting shall be permitted unless such lighting is approved by the MPC staff.
9. All proposed signage, with the exception of a freestanding principal use sign shall be in accordance with the sign standards as contained within an I-P zoning district. A freestanding principal use sign, if desired, shall be limited to a monument style sign with a maximum area of 36 square feet. Such sign shall be either internally lighted with a reverse silhouette or have indirect lighting. No directory signage shall be permitted.
10. Approval of a change to the Chatham County Savannah Tricentennial Comprehensive Plan Future Land Use Map from Civic/Institutional to Commercial Neighborhood by the Metropolitan Planning Commission and the Mayor and Aldermen.

SECTION 3: That the requirement of Section 8-3182(g) of said Code and the law in such cases made and provided has been satisfied. That an opportunity for a public hearing was afforded anyone having an interest or property right which may have been affected by this

zoning amendment, said notice being published in the Savannah Morning News on the 6th day of August, 2013, a copy of said notice being attached hereto and made a part hereof.

SECTION 4: Upon the effective date of the ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

EFFECTIVE DATE: In that there has been a Finding of Unusual or Extraordinary Conditions which affect the above described property site, this ordinance shall be effective upon compliance with all the requirements of Section 8-3031(D)(1)(b) of the Code and the conditions enumerated in Section 2 and upon filing the approved plat with the Clerk of Council with such conditions noted thereon.

ADOPTED AND APPROVED: SEPTEMBER 5, 2013.

Ordinance read for the first time in Council September 5, 2013, then by unanimous consent of Council read a second time September 5, 2013, placed upon its passage, adopted and approved upon a motion by Alderman Thomas, seconded by Alderman Sprague and carried.

Future Land Use Category of 5715 Skidaway Road (13-003290-FLUM). A request to change the future land use category of the property identified as 5715 Skidaway Road (PIN 2-0141-05-005) from Civic/Institutional to Commercial-Neighborhood.

Ordinance read for the first time in Council September 5, 2013, then by unanimous consent of Council read a second time September 5, 2013, placed upon its passage, adopted and approved upon a motion by Alderman Thomas, seconded by Alderman Sprague and carried.

School, Public or Private (K-12) (13-002493-ZA). An ordinance to amend Article A, Sec. 8-3002 Definitions; and Article B, Sec. 8-3025(a) C & R Districts Use Schedule; Sec. 8-3025(b) B & I Use Schedule; Sec. 8-3028(d) Victorian District Permitted Uses; Sec. 8-3039(b)(1) Cultural Facilities; Sec. 8-3040(b)(1) Cultural Facilities; and Sec. 8-3047(e)(1)b. Cultural Facilities. The purpose of the text amendment is to ensure consistency in the manner in which public and private schools are allowed by combining those school types into one use and defining the use. Consistency in terminology and defining the use as proposed will also prevent commercial schools from locating in single-family residential zoning districts.

AN ORDINANCE
To Be Entitled

AN ORDINANCE TO AMEND SECTION 8-3002 OF THE CODE OF THE CITY OF SAVANNAH, GEORGIA (2003), PERTAINING TO THE PLANNING, REGULATION OF DEVELOPMENT DEFINITION; TO REPEAL ALL